

AMENDED IN SENATE JUNE 25, 2002
AMENDED IN SENATE JUNE 10, 2002
AMENDED IN ASSEMBLY MAY 3, 2001
AMENDED IN ASSEMBLY APRIL 19, 2001
AMENDED IN ASSEMBLY APRIL 16, 2001
AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1138

Introduced by Assembly Member Pescetti
(Coauthor: Senator Machado)

February 23, 2001

An act to add Sections 57050.5 and 57132.5 to the Government Code, relating to incorporation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as amended, Pescetti. Incorporation.

Existing law concerning the incorporation of cities specifies that a protest hearing on the proposal may be continued from time to time not to exceed 60 days from the date specified for the hearing in the notice. Existing law requires that the election on the question of an incorporation shall be called and held on the next regular election date occurring at least 88 days after the date upon which the resolution calling the election was adopted by the conducting authority.

This bill would revise those time periods as specified with respect to the proposed incorporation of Rancho Cordova in Sacramento County.

This bill would make legislative findings and declarations that a special law is necessary.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 57050.5 is added to the Government
2 Code, to read:

3 57050.5. Notwithstanding subdivision (a) of Section 57050,
4 for the purposes of a proposed incorporation of the community of
5 Rancho Cordova in Sacramento County, the protest hearing on the
6 proposal may be continued from time to time but not after August
7 19, 2002.

8 SEC. 2. Section 57132.5 is added to the Government Code, to
9 read:

10 57132.5. Notwithstanding Section 57132, for the purposes of
11 a proposed incorporation of the community of Rancho Cordova in
12 Sacramento County, the election on the question of the
13 incorporation shall be called and held on the next regular election
14 date occurring at least 78 days after the date upon which the
15 resolution calling the election was adopted.

16 SEC. 3. *The Legislature finds and declares that a special law*
17 *is necessary and that a general law cannot be made applicable*
18 *within the meaning of Section 16 of Article IV of the California*
19 *Constitution because of the unique circumstances faced by the*
20 *unincorporated community of Rancho Cordova in the County of*
21 *Sacramento. The facts constituting the special circumstances are*
22 *as follows:*

23 *The proposal to incorporate Rancho Cordova was filed before*
24 *January 1, 2001, the effective date of Chapter 761 of the Statutes*
25 *of 2000, the measure that revised the deadlines for the processing*
26 *of incorporation proposals. Pursuant to Section 56101 of the*
27 *Government Code, the Rancho Cordova incorporation proposal is*
28 *being continued under and processed in accordance with the*
29 *provisions of the law that existed before January 1, 2001. If local*



1 *officials use all of the time provided to them by the provisions of*
2 *the law that existed before January 1, 2001, the proposal to*
3 *incorporate Rancho Cordova would not qualify for the November*
4 *5, 2002, general election ballot. Accordingly, a special act that*
5 *applies different deadlines only to the proposal to incorporate*
6 *Rancho Cordova is necessary.*

7 SEC. 4. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting the necessity are:

11 In order for the incorporation proceedings for the proposed City
12 of Rancho Cordova to be completed in a timely manner that will
13 permit the electors to vote on the question of incorporation at the
14 November 5, 2002, general election, it is necessary that this act go
15 into effect immediately.

